

BOARD OF ZONING APPEALS

EFFECTIVE JULY 1, 2009

ENGINEER FEES CHARGED TO APPLICANTS

ANY REVIEW OF SUBDIVISION, PLATS, CONSTRUCTION PLANS, F.E.M.A. REVIEWS ETC., WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER REQUESTING THE REVIEW AND ALL FEES WILL BE COLLECTED AT TIME OF APPROVAL PER **RESOLUTION 3** ADOPTED 12-19-2005.

CHEATHAM COUNTY BUILDING DEPARTMENT

DATE RECEIVED: _____

APPLICATION FOR: (CHECK ONE OR MORE BELOW)

VARIANCE*: _____ SPECIAL EXCEPTION*: _____ APPEAL BLDG. COMM. DECISION*: _____

TEMPORARY USE PERMIT* _____

FOR:

(ATTACH ADDITIONAL SHEETS IF NECESSARY)

*NOTE: IN THE SPACES ABOVE CITE THE SPECIFIC SECTIONS OF THE ZONING RESOLUTION THAT SUPPORT YOUR REQUEST(S). REQUESTS FOR VARIANCE, SPECIAL EXCEPTION, OR APPEAL OF BUILDING COMMISSIONERS DECISION ARE FOUND IN ARTICLE VIII, SECTIONS 8.050 THROUGH 8.070. REQUEST MUST MEET CRITERIA OF SECTIONS 8.050 THROUGH 8.070 TO QUALIFY FOR CONSIDERATION.

NAME AND ADDRESS OF OWNERS OF SUBJECT PROPERTY:**

_____ **TELE:** _____

_____ **CELL:** _____

_____ **FAX:** _____

****APPLICANT OR AUTHORIZED AGENT IS REQUIRED TO ATTEND MEETING.**

ADDRESS OF SUBJECT PROPERTY: _____

DESCRIPTION OF SUBJECT PROPERTY: ZONING: _____ **IN GROWTH PLAN :** _____

MAP # _____ **PARCEL #** _____ **NAME OF SUBDIVISION** _____

LOT # _____ **ACREAGE:** _____ **ROAD NAME:** _____

SPECIAL HAZARD FLOOD AREA: _____ **VOTING DISTRICT:** _____

NAME AND ADDRESS OF ALL ADJOINING PROPERTY OWNERS:

I HEREBY CERTIFY THAT I HAVE READ, COMPLETED, AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS, ORDINANCES, POLICIES AND PROCEDURES GOVERNING THIS REQUEST SHALL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. ALL PARTIES INVOLVED IN THIS REQUEST SHALL COMPLY WITH ALL PROVISIONS OF LOCAL, STATE AND FEDERAL LAWS, ORDINANCES, POLICIES, PROCEDURES AND REGULATIONS. THE GRANTING OF AN APPEAL DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER LOCAL, STATE OR FEDERAL LAW REGULATING ZONING. UPON PAYMENT OF ALL FEES, THIS APPLICATION BECOMES PART OF THE PROPERTY RECORD, SUBSEQUENT APPLICATIONS FOR DEVELOPMENT, AND PUBLIC RECORD. UPON GRANTING OF A LEGAL APPEAL, A COPY OF THE DECISION WILL BE RECORDED AS AN AMENDMENT TO THE DEED OF RECORD.

APPLICANT SIGNATURES: _____

APPLICATION REVIEW DECISION*:** _____

SIGNATURE: _____

NOTICE TO APPLICANT: _____ **DATE:** _____

FEES COLLECTED : _____ **AGENDA DATE:** _____

PUBLICATION DATE: _____ **NOTICE TO BOARD:** _____

****NOTE:** REVIEW OF APPEAL APPLICATION AND NOTICE TO APPLICANT MUST BE COMPLETED WITHIN 10 DAYS OF RECEIPT OF APPLICATION.

BOARD OF ZONING DECISION**:**

***NOTE: BOARD CHAIRMAN MUST CITE SPECIFIC ZONING RESOLUTION ARTICLE AND SECTION FOR GRANTING OF APPEAL AND SEND WRITTEN NOTICE OF SAME TO APPLICANT.

STANDARDS FOR VARIANCE:

1. The particular physical surroundings, shape topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this resolution were carried out must be stated.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this resolution to other land structures, or buildings in the same district.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
6. The variance will not authorize activities otherwise excluded for the particular district in which requested.
7. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this resolution.
8. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.
9. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this resolution.

GENERAL REQUIREMENTS FOR GRANTING SPECIAL EXCEPTIONS:

A special exception shall be granted provided the Board finds that the activity:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
2. Will not adversely affect other property in the area in which it is located.
3. Is within the provision of "Special Exceptions" as set forth in this resolution.
4. Conforms to all applicable provisions of this resolution for the district in which it is to be located and is necessary for public convenience at that location.

STANDARD FOR ADMINISTRATIVE REVIEW:

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Commissioner or other administrative official in the carrying out of enforcement of any provision of this resolution.